

CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: December 14, 2009 Name: Michael S. Gzybowski Signature: /Michael S. Gzybowski/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Chor Ee EWE

Appln. No.: 10/571,749

Filed: March 13, 2006

For: THERMAL HERBAL APPLICATOR

Attorney Docket No.:

Examiner: Qiuwen Mi

Art Unit: 1655

Conf. No.: 9836

REQUEST FOR REFUND OF OVERPAYMENT

Mail Stop 16
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On October 15, 2009, a Petition for a three month extension of time with a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences was filed in the above-identified application.

The fee transmittal that accompanied the October 15, 2009 filing erroneously calculated the fees as a large entity when the application was filed as a small entity.

A refund is hereby requested of any fees overpaid under 37 C.F.R. §1.26.

A refund has been calculated as follows:

A three-month extension of time fee of \$1,110.00 for a large entity was paid. The three-month extension of time fee for a small entity of \$555.00 should have been paid.

A Notice of Appeal fee for of \$540.00 for a large entity was paid. The Notice of Appeal fee for a small entity of \$270.00 should have been paid.

This request is made within the three month time limit set forth in 37 C.F.R. §1.28(c).

The above-calculated refund amount of \$825.00 is requested to be credited to Deposit Account No. 23-1925. If there are any questions, the Office is invited to contact the undersigned agent.

Respectfully submitted,

Dated: December 14, 2009

/Michael S. Gzybowski/

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